OROZCO v. TEXAS

U.S. Supreme Court
March 25, 1969
394 U.S. 324

(Not a landmark case by any means, but this 6-2 decision was a major ruling in 1969 - believe me, I was around - and remains an important progeny of Miranda v. Arizona. I love the dissents in the case.) (If you're from Palm Beach County, progeny means offspring, kinda.)

Now, to fully understand and/or appreciate this case, you must realize that this ruling came only 33 months after Miranda. Folks were still struggling to comprehend Miranda and what it meant to officers, defense attorneys, prosecutors, judges (and obviously here, some justices) and guilty suspects. It was one of the first and, later with California v. Beheler and Oregon V. Mathiason, one of the best in explaining and defining what Miranda meant by "custodial interrogation."

Reyes Arias Orozco and his sweetheart were in the El Farleto Café in Dallas. The soon-to-be-deceased apparently made advances to the lady. Orozco took offense. (The record is not clear as to whether or not the lady did.) Anyway, they took it outside, where the soon-to-be-deceased won the first round, administering a sound physical beating to Orozco. Orozco won the second round by pulling out his handgun (Texas, don't forget) and shooting the now-deceased.

Apparently everyone inside and outside the café knew Orozco's name, social security number, phone number, address, vehicle description, physical description, brothers, sisters, parents, etc. And there were many witnesses.

This was about midnight, and Orozco, following the shooting, lost interest in his dinner, and went home to the boardinghouse where he lived alone.

At 4:00 a.m., 4 uniformed Dallas police officers rang the boardinghouse's

door bell . The landlady finally came to the door. The officers asked if Orozco lived there. The landlady replied affirmatively. They then asked if they could talk to him. She suggested their entry would disturb all her boarders and asked them to kindly return later in the morning. They declined and insisted. Reluctantly, she admitted them, took them upstairs and pointed out Orozco's room.

The 4 officers stepped into the room and found Orozco in his bed. They asked him 5 questions. His name. Reyes Orozco. Was he at the El Farleto Café earlier. Yes. Did he own a .38 caliber revolver. Yes. Where was his revolver. Where was his revolver. (He was slow in answering and it was asked twice.) In the washing machine in the back room of the boardinghouse. (No doubt with a note requesting no starch.)

Later, one of the 4 officers testified that, when Orozco had admitted his name in his first response, in that officer's mind he was "under arrest" and no longer free to leave.

Orozco was not told he was under arrest until he led the officers to the gun. And he was never, never told of his rights under Miranda to remain silent, etc.

The sole issue is whether Miranda warnings were required when the officers started asking him questions. If they were required, and not given, then the gun, which later was ballistically-connected to the victim, must be suppressed and not admitted into evidence.

You're right. Today this is a simple case. But remember, this was 1969, less than 3 years after Miranda v. Arizona.

The defense argued that, under Miranda, certainly Orozco should have been advised of his rights to remain silent and to have an attorney, etc. They pointed out there were many witnesses and overwhelming probable cause for an arrest. 4 uniformed officers, an arrest party, not an interview party, went to his place at 4:00 a.m. and refused to be turned away by the landlady. One of the officers admitted that, silently at least, Orozco was under arrest at the outset of

the interview and not free to leave. Indeed he was transported to jail following the recovery of the gun.

The prosecutor countered that Miranda was only meant to apply to interrogations at the police station. Not to an interview of one in one's bed in his own home.

Here, the U.S. Supreme holds that, *"...the use of these admissions obtained in the absence of the required warnings was a flat violation of the Self-Incrimination Clause of the Fifth Amendment as construed in Miranda."* The Court said, indeed, location is not the key in custodial interrogation. One can be in custody in his bed. And here, he was. (Later, we'd see that confessions at the police station, on the other hand, might not be custodial. Mathiason and Beheler.)

Orozco had been convicted of murder without malice and sentenced to 2 to 10 years. The Court of Criminal Appeals of Texas also saw no problem with the lack of Miranda warnings and affirmed the conviction.

The Big Court reverses and orders a new trial sans the gun and sans Orozco's responses to the nice officers' questions.

Today, of course, we would expect to give Miranda warnings in such a situation.

But, in 1969, such Miranda issues were still controversial and unsettled. Some forget that Miranda v. Arizona was itself a 5-4 decision.

Here, in Orozco, in a very reluctant concurring opinion, Justice Harlan writes, *"The passage of time has not made the Miranda case any more palatable to me than it was when the case was decided ... the constitutional condemnation of this perfectly understandable, sensible, proper, and indeed commendable piece of police work highlights the unsoundness of Miranda."* He was, of course, one of the 4 dissenters in Miranda.

But the heated internal disagreement with this majority opinion comes from

Justice White, with whom Justice Stewart joins in dissent. (Both were also Miranda dissenters.)

"This decision carries the rule of Miranda v. Arizona to a new and unwarranted extreme. I continue to believe that the original rule amounted to a constitutional straitjacket on law enforcement which was justified neither by the words or history of the Constitution, nor by any reasonable view of the likely benefits of the rule as against its disadvantages. Even accepting Miranda, the Court extends the rule here and draws the straitjacket even tighter." (Sounds more like a sheriff or police chief than a Justice doesn't he?)

"The salient features of the cases decided in Miranda were incommunicado interrogation of individuals in a police-dominated atmosphere." (Not the suspect's home and especially not his own bed.)

"This case does not involve the confession of an innocent man, or even of a guilty man from whom a confession has been wrung by physical abuse or the modern psychological methods discussed in Miranda ... If the Miranda warnings have their intended effect, and the police are able to get no answers from suspects, innocent or guilty, without arresting them, then a great many more innocent men will be making unnecessary trips to the station house. Ultimately it may be necessary to arrest a man, bring him to the police station, and provide a lawyer, just to discover his name. Even if the man is innocent the process will be an unpleasant one."

(Bottom line? While I love his dissent very much, the fact is that the dire predictions the good Justice made, like those of so many of my colleagues in 1966 and 1969, simply did not occur. Custodial interrogations didn't disappear from the face of the earth. Miranda made us better and more efficient. I don't care what Sipowicz thinks.)